

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

QUANSAN R. WHITE,)

Plaintiff,)

SUMMONS

2021-CP-40

vs.)

JAMES N. MUSSER and)

DAVID ALLEN COMPANY, INC.,)

Defendants.)

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in the above entitled action, a copy of which is herewith served upon you, to appear and defend the action, and to serve a copy of your Answer upon the subscribers at their offices at One Bull Street, Suite 400, Savannah, Georgia 31401, within thirty days from the date of service; you are also notified that, in case of your failure to do so, judgement by default will be rendered against you for the relief demanded in the Complaint.

July 19, 2021
Savannah, Georgia

s/James J. Kasprzycki
James J. Kasprzycki
South Carolina Bar No: 12413
Attorney for Plaintiff

One Bull Street, Suite 400
Savannah, GA 31401
(912) 447-5984 (Telephone)
(912) 447-0192 (Facsimile)

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)	FIFTH JUDICIAL CIRCUIT
)	
QUANSAN R. WHITE,)	
)	
Plaintiff,)	COMPLAINT
)	(Jury Trial Demanded)
vs.)	
)	2021-CP-40
JAMES N. MUSSER and)	
DAVID ALLEN COMPANY, INC.,)	
)	
Defendants.)	

The Plaintiff would respectfully show unto the court and allege as follows:

PARTIES, JURISDICTION AND VENUE

1. The Plaintiff, Quansan R. White, is a citizen and resident of Rockdale County, State of Georgia, and at the time of the occurrence herein mentioned was a passenger in a 2005 Buick automobile operated by Eric S. Brown.

2. Upon information and belief, Defendant, James N. Musser, is a citizen and resident of New Hanover County, State of North Carolina, and at the time of the occurrence herein mentioned was the driver of a 2018 Chevrolet truck.

3. Upon information and belief, Defendant, David Allen Company, Inc., is a corporation organized and existing under the laws of the State of North Carolina, and at the time of the occurrence herein mentioned was the owner of the 2018 Chevrolet truck being operated by Defendant, James N. Musser.

4. This Honorable Court has jurisdiction of the parties and the subject matter herein set forth.

5. Plaintiff is informed and believes that at all times hereinafter mentioned, Defendant,

James N. Musser, was the agent and servant of the Defendant, David Allen Company, Inc., and was acting in the course and scope of his employment or agency and that, therefore, the fault of Defendant, James N. Musser, is attributable to the Defendant, David Allen Company, Inc., under the doctrine of respondeat superior.

FACTUAL ALLEGATIONS

6. On or about the fourth day of November, 2019, at or about 12:25 P.M., the Plaintiff, Quansan R. White, was a passenger in a 2005 Buick automobile, traveling west on Interstate 20, in Richland County, State of South Carolina.

7. On the same date, and at or near the same time, the Defendant, James N. Musser, was operating a 2018 Chevrolet truck pulling a trailer, also traveling west on Interstate 20, in Richland County, State of South Carolina.

8. Defendant, James N. Musser was attempting from the “middle” lane of Interstate 20 West to overtake the vehicle in which Plaintiff was a passenger that was traveling on the “inside” lane of Interstate 20.

9. As Defendant, James N. Musser began to change lanes into the “inside” lane of Interstate 20 West, the trailer he was pulling struck the vehicle in which Plaintiff was a passenger.

AS TO DEFENDANT JAMES N. MUSSER

FOR A FIRST CAUSE OF ACTION

(Negligence, Gross Negligence, Willful, Wanton and Reckless Conduct)

10. Plaintiff incorporates by reference, as if fully set forth, each and every allegation in the proceeding paragraphs and restates and realleges each and every cause of action as if repeated herein verbatim.

11. Defendant, James N. Musser, was, at the time and place above-mentioned, negligent,

careless, grossly negligent, reckless, wanton and willful in any one or more of the following particulars:

- a. In that Defendant, James N. Musser, failed to maintain a proper lookout;
- b. In that Defendant, James N. Musser, failed to keep his vehicle under proper control;
- c. In that Defendant, James N. Musser, failed to properly observe the road and traffic conditions;
- d. In that Defendant, James N. Musser, drove his vehicle in a reckless manner with disregard for the safety of others;
- e. In that Defendant, James N. Musser, moved his vehicle from the lane in which he was traveling without first ascertaining that such movement could be made safely in violation of Sec. 56-5-1900, Code of Laws of South Carolina, as amended;
- f. In that Defendant, James N. Musser, failed to take any evasive action, by any means, to keep from striking the vehicle in which Plaintiff was a passenger;
- g. In that Defendant, James N. Musser, created a dangerous condition;
- h. In failing to use the degree of caution and care that a reasonable and prudent person would have used under the circumstances then and there prevailing;
- i. In other ways and particulars that may be shown through discovery and at trial;

any or all of which were the direct and proximate cause of the damages and injuries suffered by the Plaintiff herein, said acts being in violation of the statutory and common laws of the State of South Carolina.

12. As a direct and proximate result of the negligence, recklessness, willfulness, and wantonness, of Defendant, James N. Musser, as aforesaid, the Plaintiff, was thrown about the interior of the vehicle and suffered great bodily injury, suffered personal injuries, incurred expensive medical, doctor, hospital, nursing, and drug bills, incurred lost wages and impairment of earning

capacity, suffered pain and mental anguish, suffered impairment, anxiety, inconvenience and will continue to suffer same in the future; all to Plaintiff's general damage and detriment.

13. As a result of the acts of Defendant, James N. Musser, which are chargeable against the Defendant, David Allen Company, Inc., under the doctrine of respondeat superior, as set forth above, the Plaintiff is informed and believes that she is entitled to an award of actual damages, together with punitive damages and for the costs of this action to be determined by a jury.

AS TO DEFENDANT DAVID ALLEN COMPANY, INC.

FOR A FIRST CAUSE OF ACTION

(Negligence, Gross Negligence, Willful, Wanton and Reckless Conduct)

14. Plaintiff incorporates by reference, as if fully set forth, each and every allegation in the proceeding paragraphs and restates and realleges each and every cause of action as if repeated herein verbatim.

15. Defendant, David Allen Company, Inc., was at the time and place above-mentioned, negligent, careless, grossly negligent, reckless, wanton and willful in any one or more of the following particulars:

- a. In that Defendant, David Allen Company, Inc., entrusted its vehicle to a driver it knew, or should have known, would operate the vehicle in a negligent or reckless manner;
- b. In that Defendant, David Allen Company, Inc., failed to make inquiry as to the abilities of the Defendant, James N. Musser, to safely and properly operate the vehicle;
- c. In that Defendant, David Allen Company, Inc., negligently selected, hired, trained, supervised, retained, qualified, and/or entrusted Defendant, James N. Musser, as a driver of its vehicle;
- d. In that Defendant, David Allen Company, Inc., failed to properly inspect, maintain, service, or repair the vehicle Defendant, James N. Musser, was driving;

- e. In that Defendant, David Allen Company, Inc., failed to hire experienced and qualified drivers;
- f. In that Defendant, David Allen Company, Inc., failed to provide adequate training to its employees and drivers;
- g. In that Defendant, David Allen Company, Inc., failed to properly supervise its employees and drivers;
- h. In that Defendant, David Allen Company, Inc., failed to adequately instruct its employees and drivers;
- i. In that Defendant, David Allen Company, Inc., failed to maintain its vehicles in a safe manner;
- j. In that Defendant, David Allen Company, Inc., failed to routinely and properly inspect its vehicles; and
- k. In other respects to be proven through discovery and trial;

any or all of which were the direct and proximate cause of the damages and injuries suffered by the Plaintiff herein, said acts being in violation of the statutory and common laws of the State of South Carolina.

16. As a direct and proximate result of the negligence, recklessness, willfulness, and wantonness of Defendant, David Allen Company, Inc., as aforesaid, the Plaintiff, was thrown about the interior of the vehicle and suffered great bodily injury, suffered personal injuries, incurred expensive medical, doctor, hospital, nursing, and drug bills, incurred lost wages and impairment of earning capacity, suffered pain and mental anguish, suffered impairment, anxiety, inconvenience and will continue to suffer same in the future; all to Plaintiff's general damage and detriment.

17. As a result of the acts of Defendant, David Allen Company, Inc., as set forth above, the Plaintiff is informed and believes that she is entitled to an award of actual damages, together with punitive damages and for the costs of this action to be determined by a jury.

WHEREFORE, the Plaintiff prays for judgment against:

- (a) Defendant, James N. Musser, for actual damages and the costs of this action;
- (b) Defendant, James N. Musser, for punitive damages and for such other and further relief as this Court might deem just and proper;
- (c) Defendant, David Allen Company, Inc., for actual damages and the costs of this action;
- (d) Defendant, David Allen Company, Inc., for punitive damages and for such other and further relief as this Court might deem just and proper.

Savannah, Georgia
July 19, 2021

Respectfully submitted,

KENNETH S. NUGENT, P.C.

By: s/James J. Kasprzycki

James J. Kasprzycki
South Carolina Bar No: 12413
Attorney for Plaintiff

One Bull Street, Suite 400
Savannah, GA 31401
(912) 447-5984 (Telephone)
(912) 447-0192 (Facsimile)
jkasprzycki@attorneykennugent.com